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Washington, Tuesday, October 4, 1949

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10081

DESIGNATION OF CERTAIN OFFICERS TO ACT AS POSTMASTER GENERAL

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6), and as President of the United States, it is hereby ordered as follows:

During the absence or sickness of the Postmaster General the officer whose name is highest on the following list and who is not absent or under disability to perform the duties of the office of Postmaster General shall perform the duties of that office:

1. Assistant Postmaster General Vincent C. Burke.
2. Assistant Postmaster General Paul Aiken.
3. Assistant Postmaster General Joseph J. Lawler.
4. Assistant Postmaster General Walter Myers.

Unless otherwise directed by the President, this order shall cease to be effective upon the appointment and qualification of a Deputy Postmaster General pursuant to Reorganization Plan No. 3 of 1949.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 1, 1949.

[F. R. Doc. 49-8040; Filed, Oct. 3, 1949; 10:52 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

1. Subparagraph (2) of § 2.105 (b) is amended and a new subparagraph (4) is added as set out below. As amended, paragraph (b) will read as follows:

§ 2.105 *Delayed filing of applications by veterans and persons serving overseas.* * * *

(b) Applications for an examination for probational appointment will be accepted after the closing date of such examination from the persons described below, subject to the conditions specified:

(1) Any person who was unable to file application for an examination or to appear for any assembled test because of service in the armed forces of the United States, or because of hospitalization continuing for not more than one year following discharge from such forces. He may file for any examination that was open during such service or hospitalization. He may also file application for any examination announced within 120 days of his separation from the armed forces or hospitalization. Application from such person may be filed while in the armed forces or during hospitalization, but must be filed within 120 days of honorable separation from such forces or from hospitalization and prior to the expiration of the register established as a result of the examination. A person serving in the armed forces or undergoing hospitalization will not be certified for appointment until he notifies the Commission that he will soon be available for appointment.

(2) Any citizen who was unable to file application for an examination or to appear for any assembled test because of foreign service with a Federal agency or an international organization in which the U. S. Government participates. He may file for any examination that was open during such foreign service. He may also file application for any examination announced within 120 days of his return from foreign service. Application from such person may be filed while in foreign service, but must be filed within 120 days of his return from foreign service and prior to expiration of the register established as a result of the examination. The applicant must certify, in his application or in a supporting statement, the facts which justify acceptance of his application under this subparagraph. He must show the Federal agency or international organization in which employed in foreign service, and the exact date of departure for and return from foreign service. "Foreign service" as used herein shall be service in an area other than in the United

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

States proper and Hawaii in which the examination for which application is made was not publicized.

(3) Any person who meets the conditions of subparagraph (1) of this paragraph and leaves the armed forces to enter foreign service with a Federal agency, or an international organization in which the U. S. Government participates, and thus meets the conditions of subparagraph (2) of this paragraph, may file application within 120 days of his return from foreign service for examinations that were open either while he was in the armed forces or while he was in foreign service or that were announced within 120 days of his return from foreign service. Application must be filed prior to the expiration of the register established as a result of such examination.

(4) Any person in the employ of the Federal Government who is a member of a reserve unit of the armed forces and who is unable to file application for an examination or to appear for an assembled test because of active duty beyond fifteen days with the armed forces even though the duty is designated for training purposes. He may also file application for any examination announced within 120 days of his release from such duty. Application from such person may be filed while on active duty, but must be filed within 120 days of his release from such duty and prior to expiration of the register established as the result of the examination. The applicant must certify, in his application or in a supporting statement, the facts which justify acceptance of his application under this subparagraph. He must show the exact dates and actual period of his active duty status and the branch of the service by which called for active duty.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

2. Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Department of the Navy, the Commission has decided that all positions on vessels operated by the Military Sea Transportation Service should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, paragraph (e) is added to § 6.106 as follows:

§ 6.106 *Department of the Navy.*

* * *

(e) *Military Sea Transportation Service.* (1) NC/PD. All positions on vessels operated by the Military Sea Transportation Service.

3. Under authority of § 6.1 (d) of Executive Order 9830, and with the concurrence of the Secretary of Agriculture, the Commission has approved the revocation of positions of members of the Board of Directors, Commodity Credit Corporation. Effective upon publication in the FEDERAL REGISTER, § 6.111 (f) (1) is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp., E. O. 9973, June 28, 1948, 13 F. R. 3600, 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 49-7977; Filed, Oct. 3, 1949; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1949 C. C. C. Corn Bulletin 1]

PART 606—CORN

SUBPART—1949 CORN LOAN AND PURCHASE AGREEMENT PROGRAM

This bulletin states the requirements with respect to the 1949-Crop Corn Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). The program will be carried out by PMA under the general supervision and direction of the Manager, CCC. Loans and purchase agreements will be made available on corn produced in 1949 in accordance with this bulletin.

Sec.

AUTHORITY: §§ 606.101 to 606.125 issued under sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply sec. 5 (a), Pub. Law 806, 80th Cong., sec. 1 (d), Pub. Law 897, 80th Cong.

§ 606.101 *Administration.* In the field, the program will be administered through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees) and PMA commodity offices.

Forms will be distributed through the offices of State and county committees. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committee.

§ 606.102 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans will be available on eligible corn stored in approved farm-storage or stored in approved warehouses in the continental United States. (2) Purchase agreements will also be available in all areas.

(b) *Time.* Loans and purchase agreements will be available from time of harvest through May 31, 1950: *Provided*, That, in areas where it is determined by the State PMA committee that producers are not in a position to safely store corn for the full storage period because of infestation by angoumois moths or other insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date of availability of loans and purchase agreements shall be such earlier date as may be determined by the State PMA committee. Such earlier date shall be not later than thirty days prior to the first day of the 10-day delivery period established in accordance with the provisions of § 606.119. The State PMA committee shall notify producers in the area through public announcement sufficiently in advance of such date in order to allow producers a reasonable period of time in which to place their corn under loans or purchase agreements. Applicable loan documents and purchase agreements must be signed by the producer and delivered or mailed to the county committee not later than the final date of availability of loans and purchase agreements in the area.

(c) *Source.* Loans and purchase agreements will be made through the offices of county committees. Disbursements on loans will be made to producers by State PMA offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC. Disbursements under the loan program will be made not later than June 15, 1950, except where specially approved by CCC in each instance.

§ 606.103 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA–97, or other form prescribed by CCC), or a loan servicing agreement.

§ 606.104 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing corn in 1949, as landowner, landlord, tenant, or sharecropper.

§ 606.105 *Eligible corn.* Eligible corn shall meet the following requirements:

(a) The corn shall be ear or shelled corn produced in the continental United States in 1949: *Provided*, That, irrespective of the provision of the mortgage supplement relating to delivery of ear corn upon payment of the cost of shelling, the corn must be shelled before delivery is made under loans or purchase agreements.

(b) The beneficial interest in the corn must be in the person tendering the corn for loan or purchase, must always have been in him, or must have been in him and a former producer whom he succeeded before the corn was harvested, or, such corn must have been purchased by an eligible producer who will operate a different farm in 1950 from that operated in 1949. In such case the number of bushels being placed under loan or purchase agreement must not be in excess of the total number of bushels produced by the producer on the farm operated by him in 1949.

To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the corn was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall make determinations concerning succession.

(c) Corn placed under loan must, except for moisture content, grade U. S. No. 3 or better, or U. S. No. 4 on the factor of test weight only but otherwise U. S. No. 3 or better, and must meet the following moisture requirements. For ear corn placed under a farm-storage loan, the moisture content shall not exceed 20.5 percent if the corn is tendered for loan from time of harvest through March 31, 1950; 17.5 percent if tendered for loan during April 1950; and 15.5 percent if tendered for loan during May 1950. For corn placed under a warehouse-storage loan, and for shelled corn placed under a farm-storage loan, the moisture content shall not exceed 13.5 percent irrespective of when the corn is tendered for loan.

(d) Corn delivered under a purchase agreement must grade U. S. No. 3 or better, or U. S. No. 4 on the factor of test weight only but otherwise U. S. No. 3 or better.

§ 606.106 *Approved storage.* Approved storage for corn shall meet the following requirements:

(a) Under the loan program, approved farm-storage shall consist of storage structures located on the farm, or off the farm, provided no warehouse receipt is outstanding, which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of corn.

(b) Under the loan and purchase agreement program, approved warehouse storage shall consist of (1) public grain warehouses for which a Uniform Grain Storage Agreement (CCC Form H, Revised), in effect for the 1949 crop has been executed; or (2) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect for the program year. The names of approved warehouses may be obtained from State offices and county committees.

§ 606.107 *Approved forms.* The approved forms consist of the loan and purchase agreement documents which, together with the provisions of this bulletin and any supplements and amendments hereto, govern the rights and responsibilities of the producer. Notes and chattel mortgages, and note and loan agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents, executed

by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Farm-storage loans.* Approved forms shall consist of the producer's note on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA.

(b) *Warehouse-storage loans.* Approved forms shall consist of the note and loan agreement on Commodity Loan Form B, secured by negotiable warehouse receipts representing the corn stored in approved warehouses. All corn pledged as security for a loan on a single Commodity Loan Form B must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase Form 1), Delivery Instructions (Commodity Purchase Form 3), and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Corn in approved warehouse-storage under the loan program and delivered from approved warehouse storage under purchase agreements must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be issued by an approved warehouse.

(2) Each warehouse receipt must set forth in its written terms that the corn is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) Each warehouse receipt, or the supplemental certificate (in duplicate) properly identified with the warehouse receipt, must be issued for shelled corn and must show the weight, grade, test weight and all special grading factors. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors.

(4) In the case of warehouse receipts issued for corn delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the corn covered thereby in lieu of the information required by subparagraph (3) of this paragraph.

(5) If the warehouse receipt indicates that the corn is stored as "specially binned" or "identity preserved," the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

§ 606.108 *Determination of quantity.* When determined by measurement, a bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 15.5 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 15.5 percent in accordance with the following schedule:

Moisture content (percent)	*Adjustment factor (percent)*
15.6 to 16.5 both inclusive	98
16.6 to 17.5 both inclusive	96
17.6 to 18.5 both inclusive	94
18.6 to 19.5 both inclusive	92
19.6 to 20.5 both inclusive	90
Above 20.5	No loan

A bushel of shelled corn, when determined by measurement, shall be 1.25 cubic feet of shelled corn testing not more than 13.5 percent in moisture content.

In determining the quantity of sacked corn by weight, a deduction of ¾ of a pound for each sack will be made.

§ 606.109 *Determination of dockage.* Since dockage is not a grade factor in the case of corn, the quantity of corn will be determined without reference to dockage.

§ 606.110 *Liens.* If there are any liens or encumbrances on the corn, proper waivers must be obtained.

§ 606.111 *Service fees*—(a) *Loans.* Where the corn is under a farm-storage loan, the producer shall pay a service fee of 1 cent per bushel on the number of bushels placed under loan, or $3.00, whichever is greater, and where the corn is under a warehouse-storage loan, the producer shall pay a service fee of ½ cent per bushel on the number of bushels placed under loan, or $1.50 whichever is greater. In the case of farm-storage loans, State committees are authorized to require prepayment of $3.00 of the service fee.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement, he shall pay a service fee of ½ cent per bushel on the number of bushels specified on Commodity Purchase Form 1 as the maximum quantity he may deliver, or $1.50 whichever is greater.

(c) *Refunds.* No refund of service fees will be made.

§ 606.112 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm-storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 606.113 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 606.114 *Transfer of producer's equity*—(a) *Loans.* The right of the producer to transfer either his right to redeem the corn under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

§ 606.115 *Safeguarding of the corn.* The producer obtaining a farm-storage loan is obligated to maintain the farm-storage structures in good repair and to keep the corn in good condition.

§ 606.116 *Insurance.* CCC will not require the producer to insure the corn placed under farm-storage loan; however, if the producer does insure such corn, such insurance shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the corn involved in the loss.

§ 606.117 *Loss or damage to the corn.* The producer is responsible for any loss in quantity or quality of the corn placed under farm-storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

In the case of corn placed in a warehouse under a warehouse storage loan as "specially binned" or "identity preserved" the producer is responsible for any loss in quantity or quality, except for losses which are required to be insured against by the warehouseman under the storage agreement.

§ 606.118 *Personal liability.* The making of any fraudulent representations by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the corn by him, will render the producer subject to criminal prosecution under Federal law and personal liability for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 606.119 *Maturity and satisfaction*—(a) *Delivery periods.* Unless demand is made earlier, loans will be due July 31, 1950, and producers who elect to deliver corn under a purchase agreement must notify the county committee within the 30-day period ending on July 31, 1950: *Provided*, That, in areas where it is determined by the State PMA committee that producers are not in a position to safely store corn for the full storage period (for the reasons set forth in paragraph (b) of § 606.102) the State PMA

committee may establish an earlier delivery period for corn in farm-storage under loans and purchase agreements which shall be the first 10 days of either May, June, or July, 1950. CCC will accept deliveries of corn during such 10-day period, provided the producer notifies the county committee of his intentions to deliver at least 10 days prior to the first day of the 10-day delivery period. The 10-day delivery period may be extended if it is determined by the county committee that more time is needed for the acceptance of deliveries.

Whether or not an earlier delivery period is established by the State PMA committee, if the farm is sold or there is a change of tenancy, the corn may be delivered before the maturity date of the loan upon prior approval of the county committee.

(b) *Loans.* In the case of farm-storage loans, the producer is required to repay his loan on or before the due date or to deliver the mortgaged corn in accordance with instructions of the county committee. Credit will be given at the applicable settlement value, according to grade and/or quality for the total quantity delivered, provided it was stored in the bin or crib in which the corn under loan was stored.

In the case of warehouse-storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the corn in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 606.120. If the corn is stored in an approved warehouse on other than an "identity preserved" or "specially binned" basis, settlement will be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents. If the corn under loan is stored in an approved warehouse on an "identity preserved" or "specially binned" basis, settlement will be made on the basis of the weight, grade, and other quality factors determined at the time of settlement.

If the settlement value of the corn exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. In the case of farm-storage loans, payment to the producer shall be made by a sight draft drawn on CCC by the State PMA office. In the case of warehouse-storage loans, such payment shall be made by the appropriate PMA commodity office.

If the settlement value of the corn is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

(c) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to deliver any corn to CCC. However, the quantity he stated in the purchase agreement will be the maximum quantity he may deliver to CCC.

In the case of eligible corn stored in an approved warehouse, the producer must on the day following the due date for loans or during such period of time thereafter as may be determined by CCC, submit warehouse receipts to the county committee for the quantity of such corn he elects to sell to CCC but not in excess of the number of bushels shown on Commodity Purchase Form 1. If such corn is stored on other than an "identity preserved" or "specially binned" basis, it will be purchased on the basis of weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents. If such corn is stored on an "identity preserved" or "specially binned" basis, it will be purchased on the basis of weight, grade, and other quality factors determined at the time of purchase.

In the case of eligible corn stored in other than approved warehouse storage, the county committee will, on or after August 1, 1950, issue delivery instructions to the producer (unless delivery has already been made as provided in paragraph (a) of this section). The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines more time is needed for delivery. The eligible corn will be purchased on the basis of weight, grade, and other quality factors determined at the time of delivery.

In all areas, the quantity of corn delivered must not be in excess of the number of bushels shown on Commodity Purchase Form 1, and the corn will be purchased at the applicable settlement value for the approved point of delivery. When delivery is completed, payment will be made by a sight draft drawn on CCC by the State PMA office on the basis of Commodity Purchase Form 4. The producer shall direct on such form to whom payment of the proceeds shall be made.

§ 606.120 *Removal of the corn under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the corn and sell it, either by separate contract or after pooling it with other lots of corn similarly held. If the corn is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled corn as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the corn even though part or all of such pooled corn is disposed of under such policies at prices less than the current domestic price for such corn. Any sum due the producer as a result of the sale of the corn or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 606.121 *Release of the corn under loan.* A producer may at any time obtain release of the corn remaining under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the corn prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the corn to be released. In the case of warehouse-storage loans, each partial release must cover all of the commodity under one warehouse receipt.

§ 606.122 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them and are required to remit to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies shall submit notes and reports to the PMA commodity office serving the area.

§ 606.123 *Premiums and discounts on corn placed under loan.* Basic support rates per bushel of eligible corn will be established for the respective States and counties and published in Supplement 1 to this bulletin. Such basic rates will be basis grade No. 3, or No. 4 solely on the factor of test weight but otherwise No. 3 or better.

When placed under a warehouse-storage loan, corn grading No. 1 shall have a support rate of 1 cent per bushel more, and corn grading No. 2 a support rate of ½ cent per bushel more, than the basic support rate. (In the case of farm-storage loans, such premiums shall be applied to the basic rate at time of settlement.)

Eligible corn grading "mixed," when placed under a farm-storage loan, shall have a support rate 2 cents per bushel less than the basic rate, and when placed under a warehouse-storage loan it shall have a support rate 2 cents per bushel less than the basic rate plus any applicable premium.

§ 606.124 *Settlement*—(a) *Farm-storage loans*—(1) *Settlement at basic rate.* Corn grading No. 3, or No. 4 on the factor of test weight only, but otherwise grading No. 3 or better, shall, upon delivery to CCC from farm-storage loan, have a settlement value equal to the support rate (established in Supplement 1 to this bulletin for the location where the corn

was stored) for the total quantity delivered.

(2) *Premiums and discounts.* Premiums and discounts shall be applied to the basic rates in accordance with the following schedule:

SCHEDULE OF PREMIUMS AND DISCOUNTS

Grade No.	Minimum test weight per bushel	Maximum limits of—				Premiums and discounts per bushel
		Moisture	Cracked corn and foreign material	Damaged kernels		
				Total	Heat damaged	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Pounds	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Cents*
1	54	14.0	2	3	0.1	+1
2	53	15.5	3	5	.2	+½
3	51	17.5	4	7	.5	0
4 [1]	48	17.5	4	7	.5	0
4 [2]	48	17.5	5	10	1.0	[3]
5 [2]	44	17.5	7	15	3.0	[3]
Sample	44	17.5	7	20	5.0	[3]
Do	44	17.5	7	25	5.0	[3]
Do	44	17.5	7	30	5.0	[3]
Do	44	17.5	7	35	5.0	[3]
Do	44	17.5	7	40	5.0	[3]

[1] No. 4 on the factor of test weight only, but otherwise No. 3 or better. Grade factors shown in table are, except for test weight, same as those for No. 3 in the Official Grain Standards.

[2] All grade factors shown are the same as those in Official Grain Standards except for moisture. The maximum moisture of 17.5 percent is the same as that for No. 3 in the official standards.

[3] Such discounts may be determined by the Manager, CCC, prior to the time of settlement, on the basis of commercial market price discounts. If not so determined, settlement shall be made in accordance with subparagraph (3) of this paragraph.

The following discounts shall be made from the applicable settlement value in addition to those shown in the above schedule:

(i) Any lot of corn which grades "sample" solely on account of stones and/or cinders, or which is musty, or which has any commercially objectionable odor, or cockleburs, or rodent excreta—one cent per bushel.

(ii) Any lot of corn grading "weevily"—one-half cent per bushel.

(iii) "Mixed" corn—two cents per bushel. (This discount shall be applied only in the event it was not applied at the time corn was placed under loan.)

(3) *Settlement value of other corn.* The settlement value of corn grading sour or heating, or otherwise not meeting the requirements set forth in the above schedule of premiums and discounts, or for which discounts are not determined by the Manager, CCC, shall, irrespective of the provisions of the mortgage supplement, be the support rate established for the grade and/or quality of the corn placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the corn delivered, as determined by CCC.

(b) *Warehouse-storage loans.* In the case of warehouse-storage loans which are not repaid by maturity, settlement will be made with the producer on the basis of the weight, grade, and other quality factors shown on the warehouse receipt and/or accompanying documents: *Provided,* That, if the corn is stored on an "identity preserved," or "specially binned" basis, settlement will be made in accordance with the provisions of paragraph (a) of this section on the basis of the weight, grade, and other quality factors determined at the time of settlement.

(c) *Purchase agreements*—(1) *Basic rate same as for loans.* Corn will not be eligible for delivery under purchase agreements unless it grades No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better. Corn grading No. 3 (or No. 4 on the factor of test weight only but otherwise No. 3 or better) shall, upon delivery, be purchased at a rate equivalent to the basic support rate established for the approved point of delivery.

(2) *Premiums.* The following premiums shall be added to the basic rates for corn grading better than No. 3:

Grade No. 1—one cent per bushel.
Grade No. 2—one-half cent per bushel.

(3) *Discounts.* Corn grading "mixed" shall be purchased at 2 cents per bushel less than the basic rate plus any applicable premium.

(d) *Storage allowance.* There shall be no storage allowance on corn under either the loan or purchase program.

(e) *Warehouse charges.* The warehouse receipt and the corn represented thereby may be subject to liens for warehouse charges only from August 15, 1949, or the date of the warehouse receipt, whichever is later.

In the case of corn placed under a warehouse-storage loan or stored in an eligible warehouse and delivered to CCC under a purchase agreement, evidence must be submitted with the warehouse receipt that all warehouse charges, except receiving charges, have been prepaid through July 31, 1950, or a deduction of 10 cents per bushel will be made from the applicable support price and CCC will assume the accrued warehouse charges on the corn: *Provided,* That CCC will not assume any charges in excess of those provided under the Uniform Grain Storage Agreement (CCC Form H, Revised) for the 1949 crop.

(f) *Charges for early delivery.* If corn is delivered to CCC before July 31, 1950, in accordance with § 606.119 (b), a charge shall be made against the producer at time of settlement at the rate of 1/20 of a cent a day from the date of delivery through July 31, 1950, to compensate CCC for the carrying charges incurred because of the earlier delivery.

(g) *Track - loading.* Track - loading payments of 2 cents per bushel will be made on corn delivered to CCC on track pursuant to delivery instructions.

§ 606.125 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

Address and Area

Atlanta 3, Ga., 449 West Peachtree Street NE.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Postal Building, 802 Delaware Avenue: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 1, Minn., 328 McKnight Building: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 4, N. Y., 67 Broad Street, Room 1304: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 30 Van Ness Avenue: Arizona, California, Nevada, Utah.

Issued this 29th day of September 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-7978; Filed, Oct. 3, 1949; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 2—RULES OF PRACTICE

PROCEDURE FOR ESTABLISHING QUANTITY LIMITS

The reference to paragraph (c) (3) (i) appearing in § 2.30 (d) (2) (iii) is corrected to read "paragraph (d) (3) (i)".

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 49-7997; Filed, Oct. 3, 1949; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Organized Reserves

PART 861—OFFICERS' RESERVE CORPS

PROCEDURES FOR ASSIGNMENT OR DESIGNATION OF AIR FORCE RESERVE OFFICERS, BELOW RANK OF BRIGADIER GENERAL, TO SPECIFIC POSITIONS TO MEET MOBILIZATION REQUIREMENTS

Regulations contained in §§ 861.9 and 861.10 (13 F. R. 8752) as redesignated §§ 861.12 and 861.13 (14 F. R. 1592) are hereby revised to read as follows:

Sec.
861.12 General statement and definitions.
861.13 Mobilization assignments, designations and training attachments.
861.14 Requests for mobilization assignment or designation.
861.15 Training.

AUTHORITY: §§ 861.12 to 861.15 issued under sec. 4, 62 Stat. 89; 10 U. S. C. Sup., 422.
DERIVATION: AFR 45-3, August 5, 1949.

§ 861.12 *General statement and definitions*—(a) *General statement.* The regulations contained in §§ 861.12 to 861.15 establish procedures for the assignment or designation of Air Force Reserve officers, below the rank of brigadier general, to specific positions to meet mobilization requirements. The total mobilization positions, to be filled by Air Force Reserve officers, are based on the over-all requirements as contained in

current war plans. Participation in active duty training for personnel referred to in subparagraphs (2) and (3) of this paragraph, will be selective and subject to the availability of funds after the active duty requirements of personnel referred to in subparagraph (1) of this paragraph, have been met. These positions may be filled by individual Reserve officers who qualify for:

(1) A mobilization assignment and who will be authorized to qualify for inactive duty training pay and will be eligible for active duty training.

(2) A mobilization assignment but who, because of insufficient funds for this purpose, will not be authorized to qualify for inactive duty training pay.

(3) A mobilization designation. (This individual is in the Volunteer Air Reserve and is not authorized to qualify for inactive duty training pay.)

(b) *Definitions*—(1) *Mobilization position.* A military position, within an Air Force unit or activity at its proposed expanded war strength, which it is not anticipated will be filled on M-day by an individual on active duty status, or which it is anticipated will be vacated on or about M-day, and which must be filled by individuals recalled to active duty or inducted into the service.

(2) *Mobilization assignment.* Mobilization assignment is duty for which an Air Force Reserve officer volunteers and is assigned in an inactive duty status in anticipation of war or other National emergency. For the purpose of regulations contained in §§ 861.12 to 861.15, assignment to an Air Force Reserve Table of Organization and Equipment, Table of Distribution, or any other Reserve unit is not considered an individual mobilization assignment. An Air Force Reserve officer presently holding a Reserve Table of Organization and Equipment, Table of Distribution, or any other Reserve unit assignment may not be given a mobilization assignment unless relieved from the unit assignment.

(3) *Mobilization designation.* Mobilization designation is the designation of an Air Force Reserve officer, who is unable or unwilling to accept a mobilization assignment, to a position to which it is anticipated the individual will be assigned if called to active duty in event of mobilization.

(4) *Training attachment.* The attachment of an Air Force Reserve officer having a mobilization assignment, for training only, to an appropriate unit or activity of the Regular Air Force; the Organized Air Reserve; or the Air National Guard (subject to the approval of the State concerned) when distance or other reason prevents participation in training at the place of mobilization assignment.

§ 861.13 *Mobilization assignment, designation and training attachments*—(a) *Mobilization assignments*—(1) *To whom given.* Mobilization assignments will be given to those individuals of the Air Force Reserve in an inactive duty status who volunteer and are assigned by competent authority to positions in which it is anticipated they will serve if called to active duty in event of mobilization. These individuals must signify, in writing, their willingness to accept an assignment in the Organized Air Reserve, with or without pay, and to comply with those requirements now or hereafter established for retention of status as a member of the Organized Air Reserve.

(2) *Inactive duty training pay.* Individuals with mobilization assignments with or without inactive duty training pay will be members of the Organized Air Reserve.

(3) *Eligibility for inactive duty training pay.* Individuals with mobilization assignments will be eligible to receive inactive duty training pay to the extent of funds available for the pay of mobilization assignees.

(4) *Purpose of mobilization assignments.* Mobilization assignments will be made only for the purpose of filling mobilization position vacancies which remain in the Reserve troop basis after Table of Organization and Equipment or Table of Distribution troop spaces have been deducted.

(5) *Extended active duty.* Air Force Reserve officers ordered to extended active duty who hold mobilization assignments will be relieved of such assignments.

(6) *Travel involved.* Where practicable, mobilization assignments will involve a minimum of travel. However, distance will not preclude assigning an individual to a mobilization assignment if he is especially qualified for the position.

(7) *Precedence of program.* The fulfillment of the mobilization assignment program will take precedence over all other inactive duty officer assignments.

(8) *Ineligibility for mobilization assignment with pay.* A mobilization assignment with pay will not be given to an individual who, in a civilian capacity, occupies a position which would be occupied by him as an officer in the event of mobilization. In these cases, the individual may be given a mobilization assignment without inactive duty training pay, or, if appropriate, a mobilization designation.

(9) *Ineligibility of certain officers.* Mobilization assignments will not be given to Reserve officers serving in the Air Force in a grade below officer grade.

(b) *Mobilization designation*—(1) *To whom given.* Certain key individuals, who, by virtue of their civilian occupation, are considered to be especially qualified, may be earmarked for mobilization positions by means of mobilization designations. Mobilization designations will be given to those individuals of the Air Force Reserve in an inactive duty status who volunteer and are assigned by competent authority to positions in which it is anticipated they will serve if called to active duty in event of mobilization. A mobilization designation may be given when an individual either is unable or unwilling to accept a mobilization assignment in the Organized Air Reserve, or to comply with those requirements now or hereafter established for retention of status as a member of the Organized Air Reserve.

(2) *Availability of qualified individual.* In the event a more qualified individual becomes available for a mobilization assignment to a position held by a mobilization designee, the individual holding a mobilization designation will be relieved of the designation and the position will be filled by mobilization assignment. Mobilization designees so relieved may, if qualified, be given another mobilization designation within the command concerned.

(3) *Volunteer Air Reserve.* Individuals with mobilization designations will be assigned in the Volunteer Air Reserve and must signify, in writing, their intention to comply with the requirements now or hereafter established or retention in the Volunteer Air Reserve.

(4) *Promotion and retention of status.* Individuals with mobilization designations may accrue points for promotion and retention of status in the manner prescribed in §§ 861.3 to 861.11 (14 F. R. 1592). In appropriate cases individuals with mobilization designations may, on application to the commanding general of the command in which such designations are held, request to have their status changed to that of a mobilization assignee. If such requests are approved individuals will be transferred from the Volunteer Air Reserve to the Organized Air Reserve in accordance with instructions contained in §§ 861.3 to 861.11 (14 F. R. 1592).

(5) *Waiver of minimum requirement for retention of status.* The minimum requirement for retention of status in the Volunteer Air Reserve may be waived, under the provisions of §§ 861.3 to 861.11 (14 F. R. 1592), for individuals with mobilization designations whose civilian occupations are so directly allied with the mobilization position for which the individual has been designated that proficiency is deemed to be retained by virtue of participation in the civilian occupation.

(6) *Ineligibility of certain officers.* Mobilization designations will not be given to Reserve Officers serving in the Air Force in a grade below officer grade.

(c) *Training attachments.* A training attachment will not be given to a mobilization assignee to any unit or activity not capable of providing the individual concerned with adequate and effective training in his mobilization assignment capacity. In the event no suitable training attachment can be provided for an individual desired for a mobilization assignment, a mobilization assignment will not be made. In these cases the individual may be tendered a mobilization designation. Individuals, with the consent of the major air commands concerned, may receive training attachments to units or activities where it is most practicable for them to train regardless of the location of their mobilization assignment.

§ 861.14 *Requests for mobilization assignment or designation*—(a) *Specific requests.* An individual Reservist desiring a mobilization assignment or designation may request the assignment or designation by military letter to the headquarters of the major air command to which the assignment is desired. Letters will be forwarded through the numbered air force having responsibility over the individual's area of residence. Upon receipt of the applications, the numbered air force will prepare a career brief on the

individual concerned and forward it together with the individual's letter of application, to the major air command concerned. Upon receipt of individual requests, major air commands will determine if a vacancy for a mobilization position exists and whether or not the individual is qualified and desired to fill a mobilization position either through assignment or designation. If selected, the major air command concerned will request the numbered air force through which the individual applied, to issue appropriate assignment orders to the major air command concerned. Letters of applicants not selected, together with their career briefs, will be returned to the appropriate numbered air force. Numbered air forces will notify these individuals of their nonselection.

(b) *Nonspecific requests.* An individual who desires to make application for a mobilization assignment or mobilization designation, without specifying the major air command of assignment, may submit his application to the numbered air force having responsibility for maintaining his master personnel records. Individual requests for mobilization assignments or designations will not be submitted to more than one command at a time.

§ 861.15 *Training.* Whenever practicable, officers having mobilization assignments will accomplish inactive duty training with the unit or activity in which such mobilization assignment is held. Officers having mobilization assignments to units or activities with which it is not practicable for them to participate in inactive duty training may be attached, to other activities and units, for training. Active duty training of officers having mobilization assignments normally will be accomplished with the unit or activity in which such assignment is held. Officers having mobilization designations normally will participate in inactive duty training only to the extent provided for other officers of the Volunteer Air Reserve.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 49-7955; Filed, Oct. 3, 1949; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

PROTECTION OF WILDLIFE

Paragraph (f), reading as follows, is added to § 1.9 *Protection of wildlife:*

(f) In portions of Lake Mead National Recreational Area designated by the Superintendent, hunting, with shotgun only, is permitted in accordance with all applicable Federal, State, and local laws for the protection of wildlife: *Provided,* That single-ball or slug-loaded shotgun shells shall not be used.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 28th day of September 1949.

[SEAL] J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 49-7957; Filed, Oct. 3, 1949; 8:45 a. m.]

PROPOSED RULE MAKING

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File 203-1]

RUBBER TIRE INDUSTRY

NOTICE OF HEARING ON FIXING QUANTITY LIMIT FOR REPLACEMENT RUBBER TIRES AND TUBES TO ALL MANUFACTURERS, DISTRIBUTORS, DEALERS AND OTHER VENDORS OR PURCHASERS OF REPLACEMENT RUBBER AND SYNTHETIC RUBBER TIRES AND TUBES AS A CLASS OF COMMODITY, AND ALL OTHER PARTIES INTERESTED IN SAID CLASS OF COMMODITY.

Whereas, section 2 (a) of the Clayton Act as amended by the Robinson-Patman Act (U. S. C., Title 15, sec. 13) provides in part as follows:

Provided, however, That the Federal Trade Commission may, after due investigation and hearing to all interested parties, fix and establish quantity limits, and revise the same as it finds necessary, as to particular commodities or classes of commodities, where it finds that available purchasers in greater quantities are so few as to render differentials on account thereof unjustly discriminatory or promotive of monopoly in any line of commerce; and the foregoing shall then not be construed to permit differentials based on differences in quantities greater than those so fixed and established;

and

Whereas, the Federal Trade Commission has formulated its rules of practice (Rule XXX) (16 CFR, Ch. I, Part 2, Rules of Practice, § 2.30) and its rules of general procedure (sec. 13) (16 CFR, Ch. 1, Part 7, General Procedures, § 7.11) for conducting such investigations and hearings to fix and establish quantity limits and caused the same to be published in the FEDERAL REGISTER on Friday, January 14, 1949; and

Whereas, pursuant to said act, the Federal Trade Commission has conducted such an investigation with respect to rubber and synthetic rubber tires and tubes for use on motor vehicles, designated File No. 203-1, In the Matter of an Investigation of the Rubber Tire Industry, in which were developed the facts and information which are set forth in Appendix A hereto which is incorporated herein by this reference; and

Whereas, after due consideration of said facts and information, it appears to the Federal Trade Commission that available purchasers in greater quantities of replacement rubber and synthetic rubber tires and tubes for use on motor vehicles, as a class of commodity, are so few as to render the differentials on account thereof unjustly discriminatory against purchasers of said class of commodity in smaller quantities, and promotive of monopoly in the lines of commerce in which the sellers and purchasers of said class of commodity are respectively engaged; and

Whereas, after due consideration of said facts and information, it further appears to the Federal Trade Commission that a carload of 20,000 pounds is the maximum quantity of said class of commodity as to which there will be a sufficent number of available purchasers so as not to render maximum differentials based thereon unjustly discriminatory or promotive of monopoly in any line of commerce in said class of commodity; and

Whereas, it thus appearing, the Federal Trade Commission proposes a rule fixing and establishing said quantity as the quantity limit in the sale of said class of commodity in commerce, as commerce is defined in said act;

Now, therefore, notice is hereby given:

(1) That the Federal Trade Commission, pursuant to and in accordance with said act and rules of practice and procedure, will conduct a rule making proceeding to hear all interested parties on a proposed quantity-limit rule to fix and establish a quantity limit of a carload of 20,000 pounds in the sale of replacement rubber and synthetic rubber tires and tubes for use on motor vehicles, as a class of commodity, in commerce, as commerce is defined in said act;

(2) That at any time prior to 5 p. m., e. s. t., on the 18th day of November, 1949, any interested party may present to the Federal Trade Commission in writing, in accordance with paragraph (d) (3) (i) of Rule XXX of said rules of practice (16 CFR, Ch. I, Part 2, Rules of Practice, § 2.30) any data, views or argument concerning said proposed quantity-limit rule, including (but without limitation) any alternate or substitute proposal, the necessity for said proposed rule or for any rule, and the factual basis for said proposed rule; and

(3) That at the time of presenting such data, views or argument in writing, any interested party may present to the Federal Trade Commission a request for opportunity to be heard orally thereon.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of September 28, 1949.

Issued: September 28, 1949.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

APPENDIX A

Twenty-one firms (on a corporate affiliation basis) constituting almost all [1] of the manufacturers of rubber and synthetic rubber tires and tubes for use on motor vehicles filed reports with the Federal Trade Commission setting forth, with respect to their domestic sales [2] in 1947, the number of direct purchasers, identifying those who purchased an annual volume of $100,000 or more, the dollar amount of their purchases, and the prices paid by them. From the location of these sellers and purchasers, it appears that, to a very substantial degree, such sales were in commerce, as commerce is defined in the Clayton Act, as amended by the Robinson-Patman Act.

Said reports, with respect to replacement purchasers only,[3] are summarized in Table I. That table shows for each of five progressively greater dollar quantities (volume brackets) of annual purchases of both tires and tubes:

(1) The number of purchasers in the bracket and the percentage of total purchasers which they constitute:

(2) The dollar amount of purchases made by all purchasers in the bracket and the percentage of total purchases which that amount constitutes;

(3) The percentages of the total amount of bracket purchases which were purchased from (a) the seven largest manufacturers, (b) the seven next largest manufacturers, and (c) the seven smallest manufacturers;

(4) The prices applicable to purchasers in the bracket as of December 31, 1947, and the percentage differentials which those prices were under the highest prices.

Prices are shown in Table I only for one passenger tire (6.00 x 16, 4 ply black) and for one truck tire (7.50 x 20, 10 ply rayon), both of which tires are of a quality usually designated 100 level or of a quality, measured price-wise, which is most nearly comparable thereto. Although there are numerous sizes and several qualities of replacement tires and tubes and prices vary with size and quality, it appears that the quantity-price structure for all such tires and tubes, as a class of commodity, is shown with substantial accuracy by the prices for said two tires, they appearing to be the most popular in terms of general use, volume, and advertising.

In Table I, the prices for each of said two tires are expressed by a price index, with the number 100 representing the highest price for each tire and with smaller numbers representing percentages of that highest price.[4] The differences between such smaller numbers and 100 show the price differentials expressed as percentages under the highest price.

TABLE 1—REPLACEMENT MOTOR VEHICLE TIRES AND TUBES—1947

[Purchasers, purchases, and prices by volume brackets; distribution of bracket purchases by size of manufacturer

Volume brackets	Purchasers		Purchases (tires and tubes)					Prices (tires only, as of Dec. 31, 1947)			
			Amount		Distribution by size of manufacturer (percent purchased from)			Price indices		Price differentials (percent under highest price)	
	Number	Percent of total	Dollar volume (000's omitted)	Percent of total	7 largest manufacturers	7 next largest manufacturers	7 smallest manufacturers	Passenger [1]	Truck [2]	Passenger	Truck
Under $100,000 { Smallest	47,247	98.027	$435,658	52.4	84.2	12.0	3.8	100.0	100.0		
Under $100,000 { Largest								84.0	79.5	16.0	20.5
$100,000 to $600,000	888	1.842	155,492	18.7	85.1	12.7	2.2	81.5	77.0	18.5	23.0
$600,000 to $5,000,000	52	.108	70,822	8.5	86.4	13.2	.4	74.0	68.0	26.0	32.0
$5,000,000 to $25,000,000	9	.019	83,785	10.1	88.0	10.0	2.0	71.5	60.0	28.5	40.0
$25,000,000 to $50,000,000	2	.004	86,208	10.3	97.3	2.7	0	69.5	61.5	30.5	38.5
Total	48,198	100.000	831,965	100.0	86.3	11.1	2.6				

Source: 21 manufacturers' reports to F. T. C.

[1] Passenger tire: 6.00 x 16, 4 ply black.
[2] Truck tire: 7.50 x 20, 10 ply rayon.

A large group of smaller purchasers of replacement tires and tubes, located throughout the country, also made reports to the Federal Trade Commission with respect to several aspects of their 1947 business. Substantially all of such purchasers designated their principal competitors, the average number so designated being about four. Where competitors were designated by name, it was typical for one or two national distributors in the larger brackets over $100,000 and for one or two more localized distributors in the smaller brackets over $100,000 to be mentioned. Generally, the same national distributors were named as principal competitors by purchasers located in all sections of the country; and it was not unusual for each of several purchasers located in a particular area also to name as principal competitors the same more-localized distributors, so that for such an area only three or four distributors in the over $100,000 bracket were named jointly as principal competitors.

Some typical comments in said reports concerning such large competitors were that they "sell our accounts at prices below our costs;" they are "underselling at our distributor prices;" after a price increase "they were still selling at the same prices as before the increase, which means a still larger differential between their prices and ours;" they "will and do regularly sell tires for less than we can buy them;" their "prices * * * are such that they would have to have a better buying price than the independent dealer;" "due to * * * (their) prices * * * we are practically out of the tire business. Volume has dropped from 25% or 30% of sales to less than 3%;" "our volume would have been much larger had we been able to meet their prices;" they "sell tires below our cost;" they "are retailing their * * * tires for about what I pay;" "they sell them in many cases for less * * * than I can buy them * * *, especially * * * truck tires."

The following calculations show the effect of price differentials on resale prices, gross margins, and profits.

On December 31, 1947, the generally prevailing list or consumer price was about $15.00 for the 6.00 x 16, 4-ply black passenger tire. The smallest dealer, with a price index of 100.0, was paying about $11.20. This gave him a gross margin of $3.80 or 25.33% of sales ($15.00). Allowing him $3.35 or 22.33% of sales for operating expenses, he would have a net profit of $0.45 or 3% of sales. Such percentage figures for gross margin, operating expenses, and net profit are in line with average percentage figures for those items according to what appears to be a reliable source.

Five percent of $11.20 is $0.56, which sum is about 3¾% of the $15.00 resale price, about 15% of the smallest dealer's gross margin of $3.80 and about 125% of his net profit of $0.45. This means that for each 5% differential in price, larger purchasers could cut the resale price 3¾%, could have a larger gross margin by 15% for expenditure in non-price competition, or by retaining the margin could have a larger net profit by 125%.

By reflecting his 5% differential in the resale price, a larger purchaser buying at $10.64 with a price index of 95.0 would more than wipe out the net profit of any of the smallest dealers who met his price. Or such a larger purchaser could increase his gross margin to $4.36 or to 29.07% (14.76% greater than the smallest dealer's 25.33%); and with operating expenses at $3.35 or 22.33% (the same as the smallest dealer) he could increase his net profit to $1.01 or 6.74% (124% greater than the smallest dealer's 3.00%).

[1] A few manufacturers of tubes only were excluded, as were also a few manufacturers who stated that they were merely processors of tires and tubes and made no sales.

[2] Sales to government agencies, sales through manufacturer-owned stores, and the so-called lease of tires and tubes on a mileage basis were excluded.

[3] Purchasers were identified and classified so far as possible as either purchasers for use as original equipment on vehicles manufactured or assembled by them (original equipment purchasers), or as purchasers for resale for use to replace such original equipment (replacement purchasers). Original equipment purchasers are not considered herein.

[4] Said price indices are the averages of all manufacturers' relative prices after being weighted by volume. The dollar prices used in calculating such relative prices for each volume bracket appeared to be each manufacturer's lowest available prices for such volume of purchases.

A still larger purchaser buying at $7.84 with a price index of 70.0 could cut the resale price to about $11.64, almost down to the smallest dealer's cost of $11.20, and still have the smallest dealer's gross margin of $3.80, operating costs of $3.35, and net profit of $0.45. In the alternative, such a larger purchaser could maintain the $15.00 resale price and have about a 90% larger gross margin and about a 750% larger net profit than the smallest dealer.

In further judging the effects of the price differentials shown in Table I, the Federal Trade Commission has considered its findings as to the facts and conclusions in cases decided by it relating to rubber tires and tubes including the two following proceedings: *In the Matter of Goodyear Tire & Rubber Company*, 22 F. T. C. 232 (1936); *In the Matter of United States Rubber Company, et al.*, 28 F. T. C. 1469 (1939).

Information relative to carload (20,000 lb.) and truckload (10,000 lb.) quantities bought by replacement purchasers was sought from several sources, including manufacturers and purchasers. In general the larger manufacturers stated informally that they were not in a position to furnish such information. On the basis of information from other sources, it appears that in 1947 among purchasers with an annual volume of less than $35,000 (constituting about two-thirds of all purchasers) there were practically none available as purchasers of carloads and no substantial number available as purchasers of truckloads.

The Federal Trade Commission takes official notice that the principle of the quantity-limit proviso of the Clayton Act as amended by the Robinson-Patman Act has been applied regularly for more than half a century by the Interstate Commerce Commission in preventing unjust discrimination among consignees by limiting the quantity on which carriers have been permitted to charge the lowest rate; and consideration has been given to the decisions of the Interstate Commerce Commission in that connection, beginning with *Providence Coal Company* v. *Providence & Worcester Railroad Co.*, 1 I. C. C. 107 (1887).

[F. R. Doc. 49-7970; Filed, Oct. 3, 1949; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 977]

HANDLING OF MILK IN PADUCAH, KY., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, regulating the handling of milk in the Paducah, Kentucky, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the proposed amendment to the tentative marketing agreement and to the order has been formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a proposed amendment filed by the Paducah Graded Milk Producers' Association. Additional proposals were submitted by the Midwest Dairy Products Company, a handler in the market, and by the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture. The public hearing was held at Paducah, Kentucky, on July 6 and 7, 1949, pursuant to a notice issued on June 24, 1949 (14 F. R. 3559).

The material issues presented on the record of the hearing were whether:

1. The pricing provisions of the order should be revised to provide greater seasonality in the pricing of Class I milk and a supply-demand adjustment in event of excessive or insufficient supply.
2. The classification provisions should be revised to permit under certain conditions the classification as Class II of dumped milk, skim milk, or cream.
3. The administrative assessment provision should be revised to reduce the present assessment rate and to exclude from assessment other source milk subject to an administrative assessment charge under another order.
4. Sour cream utilized in the manufacture of butter should be specially excluded from the reporting, accounting, and assessment provisions of the order.
5. A limitation should be placed on the time handlers are required to retain books and records required to be made available to the market administrator and on continuing obligations under the terms of the order.

Findings and conclusions. Upon the basis of evidence introduced at the hearing the following findings and conclusions on the material issues are made:

(1) The present pricing provisions of the order should be revised to provide greater seasonality in Class I prices through the medium of differentials of $1.50, $0.90, and $0.50 for the delivery periods of August through December, January through March, and April through July, respectively. The present pricing provisions specify differentials of $1.05 for the delivery periods of August through December, $0.85 for the delivery periods of July and January through March, and $0.65 for the delivery periods of April through June. Producers proposed that the present schedule of differentials be revised to provide greater seasonal variation in pricing in order to encourage a greater production of milk during the fall and winter seasons.

Producer receipts for the 5-month period of January through May 1949 were 32 percent greater than during the same period a year earlier whereas Class I sales increased only 13 percent. This increase in producer receipts is primarily the result of the 40 percent increase in the number of producers which has occurred since the order became effective in January 1948. Notwithstanding, producer receipts during the 12-month period preceding June 1949 totaled only 87 percent of the Class I sales and exceeded such sales in only the peak production months. Production per farm during the flush months is as much as 80 percent greater than during the short months. Hence, while receipts during May were almost 23 percent in excess of Class I sales, receipts during the period from November 1948 through February 1949 were only 64 percent of Class I sales. It is believed that the recommended schedule of differentials will provide Class I prices which will encourage a greater production of milk during those months when it is most needed to meet minimum Class I requirements for the market.

July, which under the present pricing provisions is grouped with January, February, and March, is included as a flush production month under the recommended schedule of differentials. Production during July approximates production during May and June and substantially exceeds that of April. Furthermore, producer receipts during July are considerably in excess of Class I needs in the market. The pasture season in the Paducah area normally runs at least through July and this will normally contribute to adequate supplies of milk during this month.

The recommended schedule of differentials will result in an increase in the average Class I differential of approximately 13 cents. Had this schedule of differentials been in effect during the fiscal year ending May 31, 1949, the weighted blend price per hundredweight for 4 percent milk would have been increased by 10 cents. The increase in annual returns to producers which would result from the proposed schedule of differentials is fully justified in view of the fact that the market continues short of producer milk for Class I needs during most of the year and in view of the fact that premiums of approximately 35 cents per hundredweight are being paid currently by certain handlers to retain producers against competition from distributors in other fluid milk markets.

Producers proposed that a supply-demand adjustment be incorporated in the pricing provisions which would increase or decrease the Class I price 2 cents per hundredweight for each percentage point that the volume of producer receipts during the 12 months preceding January and August was

above or below, respectively, 135 percent of Class I sales during such periods. The recommended Class I differentials represent a substantial change in the pricing of Class I milk in the market which it is believed should alter substantially the present pattern of production and bring receipts and sales of milk in closer alignment with each other. Any significant change in the volume and pattern of production should alter the need for and the manner of application of a supply-demand adjustment. Hence, it is concluded that the adoption of such a provision should be delayed until the future production pattern is more evident and to give additional time for study to determine the most desirable form of adjustment which should be adopted. If at a later date such an adjustment is necessary the proposal may be reconsidered at another hearing.

(2) The proposal to classify as Class II all milk, skim milk, and cream disposed of by dumping should not be adopted. Under the provisions of the present order any milk, skim milk, or cream which is dumped is considered unaccounted for milk which, within the limits of 2 percent of producer receipts is allowable shrinkage and is classified as Class II. Unaccounted for producer milk in excess of allowable shrinkage is classified as Class I.

Any excess butterfat which cannot be disposed of for fluid uses or in other higher valued products can be utilized in the manufacture of butter, facilities for which are available locally. Hence, under no circumstances, should it be necessary to dispose of whole milk or butterfat by dumping.

Substantial quantities of other source milk are brought into the market to supplement supplies of producer milk in all except the peak production months. A Class II classification for producer skim milk which is dumped at the same time that other source milk is being received for fluid uses cannot be justified. This narrows the consideration to one of a lower classification for skim milk dumped during the peak production months when supplies of local producer milk exceed the demand for fluid uses. The recommended reduction of 15 cents per hundredweight in the price of skim milk during April, May, and June and of 35 cents per hundredweight during July should promote a greater disposition of Class I milk and minimize the problem of surplus disposal. Facilities for the disposal of surplus skim milk are located within reasonable distances of Paducah and there was no showing that these facilities could not be used for the disposition of any surplus of skim milk which might develop in the market. Furthermore, dumping results in complete disappearance of the skim milk and butterfat involved and it would be necessary in order to adequately protect producer interests that a representative of the market administrator's office be in a position to witness the actual dumping. Because of the physical set-up of the Paducah market this would generally be impractical. Hence, it is necessary that a limit be maintained on the volume of unaccounted for milk which may be classified as Class II. It is concluded that a Class II classification for skim milk disposed of by dumping should not be allowed.

(3) No changes should be made in the administrative assessment provisions with respect to a reduction in the present assessment rate and the exclusion from assessment of other source milk which has been assessed under another Federal order.

The present language of the order sets a maximum rate of assessment of 5 cents per hundredweight. The order provides for the fixing of a rate of less than 5 cents if the Secretary determines that a lesser rate will supply sufficient funds for the proper administration of the order. Both producers and handlers agree that it is in their interest that the market administrator have the necessary funds to administer the order properly. The operating balance of $2,021 in the administrative fund as of January 1, 1949, represents less than a 3 months' reserve which is insufficient to provide against possible contingencies. As soon as an adequate reserve has been accumulated the assessment rate should be reduced in line with then current operating expenses. It is concluded that no change need be made in the language of this provision at this time.

Other source milk assessed under another marketing order should not be excluded from assessment under the Paducah order. The assessment charge is merely a medium for the equitable distribution of the administrative costs among the several handlers in the market. Receipts of milk assessed under another Federal order represent a substantial portion of total receipts of other source milk which in the short production months account for as much as 40 percent of total receipts in the handlers' fluid milk plants. The exclusion from assessment of these receipts assessed under another Federal order would necessitate an increase in the present assessment rate. Handlers argue that the continued assessment of this milk places them in the position of paying double assessment. In this connection it is pointed out that the transaction is in fact an outright purchase of milk by Paducah handlers from a plant operator in another market. The assessment charge in the other market is included as a part of the total purchase price which the Paducah handler must balance against the cost of similar quality milk from other areas, not under Federal regulation, in deciding from whom he shall purchase his needed supplies. It is concluded that such other source milk should bear its pro rata share of the administrative costs.

(4) Sour cream received as other source milk and utilized in the manufacture of butter should be excluded from the administrative assessment provisions, but must continue to be subject to the reporting and accounting provisions. Handlers contend that sour cream received as other source milk is used for the manufacture of butter and that their butter making operations are required by the health department to be kept physically separate from their fluid operations in which only Grade A milk is utilized.

The record is not clear that butter making operations are in fact kept entirely segregated from fluid operations to the extent that they are not contained in the same fluid milk plant. However, since other source milk received as sour cream is not commingled with producer milk and utilized in fluid products, but is used of necessity, almost exclusively in butter, and because the manufacture of butter from sour cream is not an operation common to all handlers in the market it is concluded that greater equity will prevail if it is excluded from the assessment provisions. While producer milk in excess of fluid requirements may from time to time be utilized with sour cream in the manufacture of butter the problem of verification is primarily one of verifying the transfer from the fluid operations and as such is not nearly as time consuming as is the checking of receipts and utilization in the fluid milk plant. However, the market administrator must be in a position to verify in detail the disposition of all receipts, including sour cream, if necessary, to satisfy himself as to the proper classification of producer milk and hence sour cream receipts must continue to be subject to the reporting and accounting provisions.

(5) The proposal that the order be amended to provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time during which obligations under the order shall be valid should be adopted. The recommended amendment is identical in principle with the general amendment effective February 22, 1949, to all orders in operation on July 30, 1947. The Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable to conditions under this order and the decision of January 26, 1949, is hereby adopted as a part of this decision as if set forth in full herein.

(6) *General findings.* (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and

will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Paducah Graded Milk Producers' Association and Midwest Dairy Products Company, a handler who would be subject to the proposed marketing agreement and order, as hereby proposed to be amended. The briefs contained suggested findings of fact, conclusions and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

Recommended marketing agreement and order amending the order. The following proposed order amending the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be the same as those contained in the proposed order amending the order.

1. Amend § 977.3 by adding a new paragraph to read as follows:

(c) *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

2. Delete § 977.5 (a) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.50 for the delivery periods of August, September, October, November, and December; $0.90 for the delivery periods of January, February, and March; and $0.50 for the delivery periods of April, May, June, and July.

3. Delete the period at the end of the first sentence of § 977.9 and substitute therefor the following: "other than sour cream used in the production of butter."

4. Amend the order by adding a new section to read as follows:

§ 977.15 *Termination of obligations.* The provisions of this section shall apply to any obligations under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before May 1, 1950, under secton 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administration notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Issued at Washington, D. C., this 28th day of September, 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-7968; Filed, Oct. 3, 1949; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

The Alaska Railroad

[Administrative Order ARR-1]

CONTRACTS

PROCEDURE AND REDELEGATION OF AUTHORITY

SECTION 1. *Contract procedure.* All contracts, other than those for the purchase of materials, supplies and commissary requirements, entered into pursuant to the authority granted by this order and requiring payment by The Alaska Railroad of an amount in excess of one thousand dollars must be approved in writing by the General Manager or the Acting General Manager before becoming effective. With respect to any contract entered into on a United States standard form, a person authorized to contract on behalf of the Railroad by virtue of this order, shall be deemed the contracting officer within the meaning of the provisions of said standard form. In the case of any proposed contract to be entered into on a form other than a United States standard form, the extent of the authority of the person authorized to enter into such contract shall be as determined by the General Manager. The authority redelegated by this order shall include the authority to enter into a contract without previous advertisement for proposals in any case where such action would be authorized by section 3709 of the R. S., as amended (41 U. S. C., 1946 ed., sec. 5; sec. 502 (e), Pub. Law 152, 81st Cong., 1st sess.). In such circumstances, United States Standard Form No. 1034-Rev., including the form "Method of or Absence of Advertising" on the reverse side of said Form

No. 1034–Rev. shall be executed without delay and filed with the General Accounting Office at Washington, D. C. Persons authorized by section 2 of this order to enter into contracts on behalf of the Railroad shall obtain the advice of the Chief Counsel, Division of Territories and Island Possessions, or the Counsel of the Railroad throughout the course of the negotiations relating to a contract. Invitations for bids, bid forms, specifications, contract forms, and all other forms or materials pertaining to contracts of the Railroad shall be submitted to the said Chief Counsel or Counsel for examination and every contract of the Railroad, other than those contracts for the purchase of materials, supplies and commissary requirements, entered into pursuant to the authority granted by this section and requiring payment by The Alaska Railroad of an amount in excess of one thousand dollars shall be initialed by either the Chief Counsel or the Counsel. Forms or other materials relating to contracts of the Railroad shall be submitted for examination by the Chief Counsel or the Counsel prior to their formal issuance or execution in any case where there is involved any departure from practices or procedures heretofore in effect, or any other novel or unusual circumstances.

SEC. 2. *Redelegation of authority with respect to contracts.* Pursuant to sections 50 and 52 of Order No. 2509, 14 F. R. 306, and subject to its provisions, the following persons are authorized to enter into contracts on behalf of The Alaska Railroad in accordance with the contract procedure outlined in section 1 of this order:

(1) The Assistant General Manager, The Alaska Railroad.

(2) The Superintendent of Operations, The Alaska Railroad.

(3) The Special Representative of the General Manager of The Alaska Railroad, Seattle Office.

(4) The Assistant to the General Manager (Traffic and Development), The Alaska Railroad.

(5) The Chief Engineer, The Alaska Railroad.

(6) The Superintendent, Stores and Purchases, The Alaska Railroad.

(7) The Superintendent, Motive Power and Equipment, The Alaska Railroad.

(8) The Conservation Engineer, The Alaska Railroad.

(9) The Chief Surgeon, The Alaska Railroad.

(10) The Assistant to the General Manager (Finance and Administration), The Alaska Railroad.

(11) The Administrative Officer, The Alaska Railroad.

(12) The Superintendent, Communications, The Alaska Railroad.

(13) The Superintendent, Hotels, Commissary, and Housing, The Alaska Railroad.

(14) The Real Estate and Contract Agent, The Alaska Railroad.

(15) The Traffic Manager, The Alaska Railroad.

(16) The Director of Personnel, The Alaska Railroad.

SEC. 3. *Revocations.* This order supersedes 43 CFR, 1947 Supp., 400.100, as amended (12 F. R. 4909; 13 F. R. 1980, 5024).

J. P. JOHNSON,
General Manager,
The Alaska Railroad.

[F. R. Doc. 49–7959; Filed, Oct. 3, 1949; 8:46 a. m.]

Bureau of Land Management

CORRECTION TO CALIFORNIA SMALL TRACT CLASSIFICATION ORDER NO. 169

SEPTEMBER 26, 1949.

Notice of Small Tract Classification Order, California No. 169, published in 14 F. R. 3902, July 14, 1949, is corrected to read:

Paragraph 3 (b), third and fourth lines: "to 10:00 a. m. on August 31, 1949" and

Paragraph 4 (a), third and fourth lines: "to 10:00 a. m. on November 30, 1949."

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49–7958; Filed Oct. 3, 1949; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4119]

TRANS-TEXAS AIRWAYS

NOTICE OF HEARING

In the matter of the application of Trans-Texas Airways under section 401 of the Civil Aeronautics Act of 1938, as amended, for amendment of its temporary certificate of public convenience and necessity for route No. 82 so as to redesignate the intermediate point Crystal City as Carrizo Springs-Crystal City.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on October 5, 1949, at 10:00 a. m., e. s. t., in Room 2029 Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., September 28, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49–7969; Filed, Oct. 3, 1949; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6229]

GULF STATES UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PREFERRED STOCK

SEPTEMBER 28, 1949.

Notice is hereby given that, on September 27, 1949, the Federal Power Commission issued its order entered September 26, 1949, authorizing issuance of preferred stock in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49–7960; Filed, Oct. 3, 1949; 8:46 a. m.]

[Docket Nos. G–1142, G–1158]

UNITED GAS PIPE LINE CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS

SEPTEMBER 27, 1949.

In the matter of United Gas Pipe Line Company and Willmut Gas & Oil Company, et al. v. United Gas Pipe Line Company. Docket No. G–1142 and Docket No. G–1158.

By order of October 12, 1948, the Commission on its own motion, instituted an investigation for the purpose of enabling it to determine, among other things, whether any rates charged by United Gas Pipe Line Company (United) for the sale of natural gas subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory or preferential; and if, after hearing, it shall find that any such rates are unjust, unreasonable, unduly discriminatory or preferential, to fix just, reasonable, nondiscriminatory or nonpreferential rates to be thereafter observed and in force (*In the Matter of United Gas Pipe Line Company,* Docket No. G–1142).

On December 8, 1948, Willmut Gas & Oil Company, et al., (Willmut) filed a complaint against United alleging, among other things, that the contract rates at which United sells natural gas to Willmut are unjust and unreasonable, and praying, among other things, that the Commission fix just, reasonable, nondiscriminatory and nonpreferential rates for gas delivered by United to Willmut (*Wilmut Gas & Oil Company, et al.* v. *United Gas Pipe Line Company,* Docket No. G–1158).

In the aforementioned complaint, Willmut suggested the desirability of consolidating the complaint proceeding with the aforementioned general investigation of United's rates in Docket No. G–1142. In its answer to Willmut's complaint, filed January 10, 1949, United also suggested the desirability of such consolidation.

The investigation instituted by the Commission's order of October 12, 1948, in Docket No. G–1142 is currently under way.

The Commission finds: Good cause exists for consolidating the above-entitled proceedings.

The Commission orders: The above-entitled proceedings be and they hereby are consolidated.

Date of issuance: September 28, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49–7961; Filed, Oct. 3, 1949; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

DELEGATIONS OF AUTHORITY TO FIELD OFFICE DIRECTORS

Section III b, *Delegations to field office directors,* which appeared at 14 F. R. 1626, is amended by adding paragraph 8, as follows:

8. Pursuant to Public Law 266, 81st Congress, to execute relinquishments and transfers to States, counties, cities, or other public bodies of contractual and property rights of the United States in and with respect to temporary housing located on land owned or controlled by such public bodies and not held by the United States.

Approved: September 23, 1949.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 49-7956; Filed, Oct. 3, 1949; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2197]

GAS SERVICE CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of September A. D. 1949.

The Gas Service Company ("Gas Service"), a public utility subsidiary of Cities Service Company, a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, and Rule U-50 promulgated thereunder with respect to the following proposed transactions:

Gas Service proposes to issue and sell, at competitive bidding pursuant to the requirements of Rule U-50, $18,000,000 principal amount of First Mortgage Bonds, __% Series due 1969, to be issued under and secured by the Company's Indenture of Mortgage and Deed of Trust dated as of September 1, 1949. The interest rate per annum on said bonds (to be a multiple of ⅛ of 1%), and the price, exclusive of accrued interest, to be received by the company (to be not less than 100% nor more than 102.75% of the principal amount of said bonds), are to be determined by competitive bidding.

The declaration states that the net proceeds from the sale of the bonds will be used to retire all of the company's outstanding indebtedness, consisting of $14,800,000 principal amount of notes, and to provide funds for additions and improvements to its properties and to reimburse the treasury in part for construction work heretofore completed. Gas Service estimates that its construction program for the three-year period 1949-51 will require expenditures of $5,650,000 of which it is presently contemplated that approximately $3,200,000 will be provided from accruals for depreciation and $2,450,000 from treasury funds.

Said declaration having been filed on August 12, 1949, and the last amendment thereto having been filed on September 22, 1949, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the Nebraska State Railway Commission and the Public Service Commission of the State of Missouri have authorized the issuance of the proposed bonds and that the State Corporation Commission of the State of Kansas, the only other State Commission having jurisdiction over the proposed transactions, has issued a Memorandum Opinion indicating that its Certificate with respect to such issuance and sale will issue when the results of competitive bidding are known; and

The Commission finding with respect to said declaration, as amended, that the applicable requirements of the act and rules promulgated thereunder are satisfied, and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective, subject to the conditions specified below, and the Commission also deeming it appropriate to grant declarant's request that the ten-day period for inviting bids provided by Rule U-50 be shortened to a period of not less than six days, and that the order herein be accelerated and become effective upon the issuance thereof;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, of Gas Service be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the additional condition that the proposed issuance and sale of bonds by Gas Service shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose.

It is further ordered, Pursuant to the request of Gas Service, that the ten-day period for inviting bids, as provided by Rule U-50, be, and the same hereby is, shortened to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-7964; Filed, Oct. 3, 1949; 8:46 a. m.]

[File No. 70-2213]

AMERICAN GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of September A. D. 1949.

American Gas and Electric Company ("American Gas"), a registered holding company having filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7 and 12 (c) thereof and Rules U-42 and U-50 of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

American Gas proposes to issue and sell 498,081 shares of its presently authorized but unissued $10 par value common stock. The stock will be offered to the common stockholders of American Gas of record as of the close of business October 7, 1949, or such later date as the registration statement shall become effective. Stockholders will be given the opportunity to subscribe for one share of common stock for each nine shares held and the further conditional privilege to subscribe for shares of additional common stock not required to satisfy subscriptions pursuant to rights. If there are insufficient shares to satisfy all subscriptions pursuant to the conditional privilege, the available shares will be allotted pro rata among those exercising the conditional privileges proportionately to the rights they have exercised.

Subscription rights and conditional purchase privileges will be evidenced by transferable warrants. No fractional shares of additional common stock will be issued. American Gas will, through its subscription agent, provide facilities for the purchase of such additional rights as are necessary for subscription to one full share of stock or for the sale of subscription rights in excess of those necessary for full shares of stock.

American Gas proposes publicly to invite competitive bids pursuant to Rule U-50 for the purchase at the subscription price of such shares as are not subscribed for, such invitation to request the prospective underwriters to name the amount of compensation to be paid by American Gas for such services. The price per share at which American Gas proposes to offer the common stock to its common stockholders and to underwriters will be determined by American Gas. Prospective underwriters who have qualified will be notified of the subscription price per share as determined by American Gas at least 42 hours prior to the receipt of bids.

The declaration states that American Gas may effect transactions on the New York Stock Exchange, in the open market, or otherwise for the purpose of stabilizing the price of its common stock during the period commencing with the first business day prior to the date when the price per share is determined up to the time set for acceptance of a bid for the common stock.

The declaration states that the proceeds from the sale of common stock will be used to purchase from time to time additional amounts of the equity securities of the company's subsidiaries and for other corporate purposes. Investments in the subsidiaries will enable those companies, in part, to meet their construction programs. It is further stated that approximately $20,000,000 of the net proceeds from the sale of stock will be applied in 1949 to the purchase of additional shares of the common stock of Appalachian Electric Power Company, one of the company's electric utility subsidiaries.

It is further requested that the competitive bidding period be shortened to eight days so that the bids may be received on October 6, 1949.

The declaration having been filed on September 7, 1949, and amendments thereto having been filed on September 13, 1949, and September 22, 1949, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in compliance with the applicable standards of the act, that no adverse findings are necessary in connection therewith, and that it is appropriate to permit said declaration, as amended, to become effective subject to the terms and conditions hereinafter set forth, and the Commission also deeming it appropriate, in the light of the circumstances, to grant declarant's request for shortening of the competitive bidding period, and also deeming it appropriate to grant declarant's request that the order herein become effective forthwith upon issuance:

It is ordered, That the said declaration, as amended, be, and the same hereby is, permitted to become effective, subject to the terms and conditions stated in Rule U-24, and subject to the following additional conditions:

(1) That the issuance and sale of common stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in these proceedings, and a further order shall have been entered by the Commission in the light of the record so completed; and

(2) That jurisdiction be, and the same hereby is, reserved with respect to the payment of fees and expenses incurred or to be incurred in connection with the proposed transactions.

It is further ordered, That the competitive bidding period be, and the same hereby is, shortened so that bids may be received on October 6, 1949.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-7963; Filed, Oct. 3, 1949; 8:46 a. m.]

[File No. 70-2223]

CENTRAL MAINE POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 28th day of September A. D. 1949.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by Central Maine Power Company ("the Company"), an operating public utility and a direct subsidiary of New England Public Service Company, a registered holding company which in turn is a direct subsidiary of Northern New England Company, also a registered holding company. Applicant designates section 6 (b) of the act and Rules U-23, U-24 and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

The Company proposes to issue and sell at competitive bidding, pursuant to the requirements of Rule U-50, three several issues of its securities, to wit:

1. *Bonds.* $5,000,000 principal amount of First and General Mortgage Bonds of a new series to be designated "Series S", to be issued and secured under the Company's First and General Mortgage, as amended and supplemented, to be dated October 1, 1949 and to mature October 1, 1979 (or a month later if the bonds cannot be issued and sold before November 1, 1949). The interest rate, the public offering price and other pertinent details will be supplied by amendment.

2. *Preferred stock.* 30,000 shares of the Company's Dividend Series Preferred Stock, $100 par value. Dividends will be cumulative and payable quarterly. The dividend rate, to be not less than three nor more than eight percent, and the price to the underwriters, to be not less than par, will be determined by competitive bidding. Premiums to be paid on redemption of the stock or the voluntary liquidation of the Company, the public offering price, and other pertinent details will be supplied by amendment.

3. *Common stock.* 200,548 shares of the Company's Common Stock, $10 par value, at a price per share not less than the par value thereof. The shares of Common stock will be offered first to holders of the Company's outstanding 6% Preferred Stock and Common Stock for subscription under their statutory preemptive rights. New England Public Service Company has advised the Company that as holder of 66.53% of the Company's Common Stock now outstanding it will waive its preemptive rights and all requirements imposed upon the Company thereunder.

The three several blocks of securities will be offered for sale separately. The Company states that it will reserve the right to reject any and all bids, and that in no case will the sale of the particular security be subject to or contingent upon the sale of any other security.

The Company states that the issuance and sale of said securities are solely for the purpose of financing the business of the Company, and that the net proceeds will be applied as follows: $2,000,000 of the proceeds from the sale of the Bonds will be deposited with the Mortgage Trustee, to be later released to the Company, pursuant to the provisions of said Mortgage; and the remaining proceeds from all issues will be used (1) to pay the Company's short-term notes payable to The First National Bank of Boston (aggregating $2,500,000 principal amount at September 1, 1949, with additional bank borrowings in the amount of $2,000,000 contemplated in September and October 1949), issued in connection with the Company's construction program, and (2) to further said construction program.

The proposed issues and sales are subject to approval by the Public Utilities Commission of the State of Maine, in which State the Company is organized and doing business.

The Company requests that the order of the Commission herein be made effective forthwith upon issuance.

Notice is further given that any interested person may, not later than October 11, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-7965; Filed, Oct. 3, 1949; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13848]

DR. HUGO SCHAEFER

In re: Stock and cash owned by Dr. Hugo Schaefer. F-28-30424-D-1, D-2, D-3, D-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Hugo Schaefer, whose last known address is Gagern Str. 21, Frank-

furt, Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) shares of no par value capital stock of Stone and Webster, Incorporated, 49 Federal Street, Boston 7, Massachusetts, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered N043619, registered in the name of Dr. Hugo Schaefer, together with all declared and unpaid dividends thereon,

b. Five (5) shares of $10 par value common capital stock of Virginia Electric and Power Company, c/o Stone & Webster Service Corporation, 49 Federal Street, Boston 7, Massachusetts, a corporation organized under the laws of the State of Virginia, evidenced by certificate numbered BC09347, registered in the name of Dr. Hugo Schaefer, together with all declared and unpaid dividends thereon,

c. Four (4) shares of $1.00 par value common capital stock of Engineers Public Service Company, c/o Stone & Webster Service Corporation, 49 Federal Street, Boston 7, Massachusetts, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered C024948, registered in the name of Dr. Hugo Schaefer, together with all declared and unpaid dividends thereon,

d. The sum of $34.68, presently in the possession of Engineers Public Service Company, 90 Broad Street, New York 4, New York, a corporation organized under the laws of the State of Delaware, arising from the cash redemption of scrip certificates issued in respect of four-fifths (4/5) of a share of common stock of El Paso Electric Company and eighty-hundredths (80/100) of a share of common stock of Virginia Electric and Power Company, together with all rights to demand and collect the same,

e. The sum of $1.46, presently in the possession of Virginia Electric and Power Company, c/o Stone & Webster Service Corporation, 49 Federal Street, Boston 7, Massachusetts, a corporation organized under the laws of the State of Virginia, arising from the sale of warrants issued to Dr. Hugo Schaefer on March 15, 1948, together with all rights to demand and collect the same, and

f. The sum of $9.75, presently in the possession of Engineers Public Service Company, c/o Stone & Webster Service Corporation, 49 Federal Street, Boston 7, Massachusetts, a corporation organized under the laws of the State of Delaware, arising from the sale of warrants issued to Dr. Hugo Schaefer on June 4, 1947, together with all rights to demand and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7973; Filed, Oct. 3, 1949; 8:47 a. m.]

[Vesting Order 13849]

HINRICH SCHNAKENBERG

In re: Stock owned by Hinrich Schnakenberg. F-28-22852-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hinrich Schankenberg, whose last known address is % Dr. Jr. R. Hassler, E. Rouge, Rechtsanwalte Braunschweig, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Two (2) shares of $100.00 par value preferred capital stock of H. C. Bohack Co., Inc., a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 02366, registered in the name of Hinrich Schnakenberg, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7974; Filed, Oct. 3, 1949; 8:47 a. m.]

[Vesting Order 13854]

THEODORE F. BREI

In re: Estate of Theodore F. Brei, deceased. File D-28-10088; E. T. sec. 14348.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Brei, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Theodore F. Brei, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Hattie Shockey and Otto Brei, Co-Executors, acting under the judicial supervision of the County Court of Stephenson County, Illinois.

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-7975; Filed, Oct. 3, 1949; 8:47 a. m.]